

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RHONDA BURNETT, JEROD BREIT,
JEREMY KEEL, HOLLEE ELLIS, and
FRANCES HARVEY on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, REALOGY HOLDINGS
CORP., HOMESERVICES OF AMERICA,
INC., BHH AFFILIATES, LLC, HSF
AFFILIATES, LLC, RE/MAX LLC, and
KELLER WILLIAMS REALTY, INC.,

Defendants.

Case No. 4:19-CV-00332-SRB

Honorable Judge Stephen R. Bough

DEFENDANT THE NATIONAL ASSOCIATION OF REALTORS'®
MOTION FOR JUDGMENT AS A MATTER OF LAW

Defendant The National Association of REALTORS® (“NAR”) moves the Court for an order granting it judgment as a matter of law under Rule 50(a). Plaintiffs have failed to prove various elements essential to their claim. Because the jury lacks a legally sufficient basis to find for Plaintiffs, judgment as a matter of law should be granted in favor of NAR.

Specifically, judgment as a matter of law is warranted for all the reasons set forth in the HomeServices Defendants’ Motion for Judgment as a Matter of Law and Keller Williams Realty Inc.’s Motion for Judgment as a Matter of Law, both of which NAR joins and incorporates. Additionally—and as explained in the accompanying Suggestions in Support of this Motion—judgment as a matter of law in favor of NAR is proper under Rule 50(a) because there is “no legally sufficient evidentiary basis” on which a reasonable jury could find that NAR participated in an

unlawful agreement actionable under Section 1 of the Sherman Act. Accordingly, the Court should enter judgment as a matter of law in favor of NAR.

Dated: October 25, 2023

Respectfully submitted,

/s/ Ethan Glass

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2023, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

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